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## Rule 29. Stipulations Regarding Discovery Procedures.

Unless the court orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice and in any manner and when so taken may be used like any other depositions; and (2) modify the procedures provided by these rules for other methods of discovery.

Reporter's Notes to Rule 29: - 1. Rule 29 is a modified version of FRCP 29. Under the latter, prior court approval must be secured to extend the time to (a) answer interrogatories; (b) produce documents, etc.; or (c) respond to requests for admissions of fact. This prior approval has been rejected by such states as Massachusetts and Arizona when adopting procedural rules patterned after the Federal Rules of Civil Procedure. See Rule 29 of the Massachusetts Rules of Civil Procedure and "Arizona and the Federal Rules" 41 F.R.D. 79 (1966).

2. Agreements between counsel to modify the discovery rules have been commonplace in Arkansas practice. No particular problems have arisen and the notion that prior court approval is necessary was rejected by the Committee. Should agreements of counsel get out of hand, the court has the power under Rule 29 to overrule or reject any stipulation or agreement of counsel. Therefore, any problems which may arise in this area may be corrected by the court on a case by case basis.

3. Prior Arkansas law was found in superseded Ark. Stat. Ann. 28-351 (Repl. 1962), which was identical to FRCP 29 as it existed prior to its 1970 amendments.

### **Associated Court Rules:**

Rules of Civil Procedure

### **Group Title:**

V. Depositions and Discovery

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